

CIVIL SERVICE COMMISSION MINUTES

OCTOBER 5, 2005

A meeting of the Civil Service Commission was held at 2:30 p.m., in Room 358 of the County Administration Building, 1600 Pacific Highway, San Diego, California.

Present were:

A.Y. Casillas
Barry I. Newman
Francesca Krauel
W. Dale Bailey

Absent was: Cheryl Fisher

Comprising a quorum of the Commission

Support Staff Present:

Patt Zamary, Executive Officer
William Smith, Senior Deputy County Counsel
Selinda Hurtado-Miller, Reporting

Approved
Civil Service Commission
November 2, 2005

**COUNTY OF SAN DIEGO
CIVIL SERVICE COMMISSION MINUTES
October 5, 2005**

CLOSED SESSION: No items for discussion

2:30 p.m. OPEN SESSION: Room 358, 1600 Pacific Highway, San
Diego, California

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|-------------------------|------------------|-----------------|------------------|
| <u>Discussion Items</u> | <u>Continued</u> | <u>Referred</u> | <u>Withdrawn</u> |
| 5,6,7, | 6,7 | | 10 |

COMMENTS: Motion by Newman to approve all items not held for
discussion; seconded by Krauel. Carried.

**OPEN SESSION AGENDA
County Administration Center, Room 358**

NOTE: Five total minutes will be allocated for input on Agenda items unless additional time is requested at the outset and approved by the Commission President.

MINUTES

1. Approval of the Minutes of the regular meeting of September 7, 2005.

Approved.

CONFIRMATION OF ASSIGNMENTS

2. Commissioner Casillas: Richard Pinckard, Esq., on behalf of 2005-09, appealing an Order from the Sheriff's Department.

Confirmed.

3. Commissioner Newman: 2005-10, Deputy Sheriff, appealing the Citizens' Law Enforcement Review Board's sustained finding of misconduct.

Confirmed.

4. Commissioner Newman: 2005-11, Deputy Sheriff, appealing the Citizens' Law Enforcement Review Board's sustained finding of misconduct.

Confirmed.

5. Commissioner Krauel: **Stacie Neldaughter**, Deputy Public Administrator-Guardian, appealing her disciplinary transfer by the Health and Human Services Agency (HHSa).

RECOMMENDATION: Grant Request

Donna Clark-Richardson, SEIU, Local 2028, on behalf of Stacie Neldaughter, invoked the Eddie Head case in support of appellant's request for a Rule VII hearing.

Jodie Valdes, as well as Stacie Neldaughter addressed the Commission requesting a hearing.

Dennis Floyd, Sr. Deputy County Counsel, requested that the Commission not grant a Rule VII hearing in this matter. He stated there was no loss in compensation, therefore there was no loss of property rights to employee. Mr. Floyd also requested that Ms. Neldaughter's Rule VI complaint be completed prior to any decision being made on her Rule VII appeal.

Commissioner Newman pointed out that nowhere in the Civil Service Rules do the two words "disciplinary" and "transfer" appear together. He believes a mistake has occurred in terminology. He believes that the Department has every right to reassign an employee.

Commissioners Krauel, Newman, Bailey, and Casillas discussed whether or not the Commission has jurisdiction in the matter. Commissioners Bailey and Casillas expressed that in hearing the matter, terminology can be reviewed and Rule VII can be refined regarding transfers.

Motion by Krauel to accept staff recommendation; seconded by Bailey. Carried. Commissioner Krauel assigned.

| | |
|----------------|---------------------------------|
| AYES: | Casillas, Krauel, Bailey |
| NOES: | Newman |
| ABSENT: | Fisher |

With regard to holding the Rule VII in abeyance, the Commission agreed to go forward with the Rule VII.

DISCRIMINATION

Findings

6. Commissioner Bailey: James C. Stevens, Esq., on behalf of **Esti Stevens**, Administrative Analyst III, alleging non-job-related factor discrimination (past community work) by the HHSA.

FINDINGS AND RECOMMENDATIONS:

Mr. Stevens, on behalf of Esti Stevens, requested that Items 6 and 7 be continued. He provided the Commission additional information to be reviewed prior to the Commission taking action on these two items.

Continued (see Item 7, below).

SELECTION PROCESS

Appeals

7. James C. Stevens, Esq., on behalf of **Esti Stevens**, Administrative Analyst III, appealing her non-selection for the classification of Departmental Personnel Officer II by the HHSA.

RECOMMENDATION: Deny Request

Motion by Krauel to continue items 6 and 7, seconded by Casillas. Carried. (See Item 6, above.)

OTHER MATTERS

Performance Appraisal

8. **Faten Westenfeldt**, Child Support Officer, Department of Child Support Services (DCSS), requesting the sealing of a Performance Appraisal for the period November 17, 2002 to November 16, 2003.

RECOMMENDATION: Grant Request

Lyn Bell, Personnel Office, Department of Child Support Services, concurs with Ms. Westenfeldt to seal the performance appraisal. The Department did find some flaws in the procedures.

Commissioner Newman stated that in lieu of sealing he believes that this performance appraisal could be easily cured, and therefore will vote against the motion to seal.

Motion by Krauel to accept staff recommendation;
seconded by Bailey. Carried.

AYES: Casillas, Krauel, Bailey
NOES: Newman
ABSENT: Fisher

Extension of Temporary Appointments

9. Health and Human Services Agency

2 Residential Care Workers II (Lucie Zeeman, Karla Sheik)

RECOMMENDATION: Ratify

Item No. 9 ratified.

INFORMATION

10. **2005-07**, withdrawal of appeal of an Order from the Sheriff's
Department. (Commissioner Newman)

Withdrawn.

11. Public Input.

ADJOURNED: 3:35 p.m.

NEXT REGULAR MEETING OF THE CIVIL SERVICE COMMISSION:

NOVEMBER 2, 2005